

DECLARATION OF JOSEPH A. YANNY

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3 I, Joseph A. Yanny, make the following declarations from
4 personal knowledge and could competently testify as set forth below
5 if called upon to do so.

6 1. Declarant is a member in good standing of the
7 California State Bar.

8 2. I am not an attorney in fact or of record in any case
9 between Gerald Armstrong and any Church of Scientology entity, nor
10 have I been consulted in that regard by either Scientology or Mr.
11 Armstrong with respect to his litigation. I am informed that Mr.
12 Armstrong has done quite well without me. I am informed that the
13 court of appeals has recently issued an opinion on July 29, 1991
14 in that regard.

15 3. Mr. Armstrong has consulted me on literary matters
16 involving questions of intellectual property. I decline to disclose
17 the substance of that consultation further, but I will note,
18 however, for the record, that that consultation had nothing at all
19 to do with Scientology and had no relationship at all to anything
20 I ever worked on for Scientology.

21 4. I have considered employing and have employed Mr.
22 Armstrong as a paralegal from time-to-time in the past. I believe
23 it would be inappropriate, if not illegal, to require that I not
24 employ ex-Scientologists. Mr. Armstrong's views on Scientology
25 should not cost him employment with my firm or elsewhere.

26 5. In addition, Mr. Armstrong is a potential witness in
27 litigation I am contemplating against Scientology and in the Aznaran
28 case. For example, Scientology has recently libeled me by

1 publishing materials that, among other things, falsely represent
2 that I was found to be taking drugs and was "unable to maintain an
3 acceptable level of performance and professional conduct." In the
4 context of discussing the litigation, the libelous statement is made
5 that, "Yanny proceeded to break attorney-client confidences." The
6 litigation is described as, "concerning his breach of contractual
7 agreement." (The text will be offered at the hearing.) These
8 claims are libelous per se. I anticipate that Mr. Armstrong may be
9 a witness in the resulting litigation. Mr. Armstrong and the
10 undersigned share the common problem of having been sued maliciously
11 by the plaintiffs herein and is a prospective witness in that
12 regard.

13 6. I have reviewed the purported declaration of Marty
14 Rathbun filed by plaintiffs in support of their request for
15 injunctive relief. The declaration is essentially a fabrication.
16 It is a false description of the conversations I had with Mr.
17 Rathbun on that date. I address what was actually said below. At
18 no time during those conversations did I make any "admissions" to
19 Mr. Rathbun. I have not breached any remaining fiduciary duties,
20 nor have I "confessed" any breaches to Reverend Rathbun. The
21 allegations concerning Ken Rose are particularly bizarre. I have
22 never even met Ken Rose and do not believe I have ever spoken to
23 him. I do not know who he is or what he may doing to make himself
24 a target. I certainly did not discuss him with Mr. Rathbun.

25 7. On the day in question, Friday, July 21, 1991, I had
26 two discussions with Mr. Rathbun. The principal discussion took
27 place in the courthouse cafeteria during the afternoon. Mr. Rathbun
28 approached me and attempted to engage me in conversation. It is now

1 apparent that Mr. Rathbun was attempting to initiate a conversation
2 so that he could offer a false declaration as part of Scientology's
3 mission to attack and destroy the undersigned.

4 8. I also spoke with Mr. Rathbun for several minutes
5 outside the courthouse towards the end of the day. During this
6 brief conversation, Mr. Rathbun commented that this suit was a
7 "grand waste of time." He sarcastically commented, "Can you afford
8 it?" He then added that I was going to go through the same thing
9 again. When I asked him what he meant, his response was, "You
10 know," - an obvious reference to the ordeal of past litigation.
11 I commented to Mr. Rathbun that they were getting beaten in all of
12 the litigation, and that this would continue, because they were
13 criminal and that virtue does eventually triumph in the end. I also
14 remarked that I had seen them attempt to ruin a number of lawyers
15 previously employed by them under similar circumstances, i.e., Barry
16 Litt, Mike Levanus, etc. As to the comments alleged in Mr.
17 Rathbun's declaration, they simply did not occur.

18 9. Earlier in the day, Mr. Rathbun approached me in the
19 cafeteria and engaged me in conversation. He started by remarking
20 that I was "basically a good person" and that they could see to it
21 that I "came out of this okay." Mr. Rathbun then tried to disavow
22 or downplay certain criminal or inappropriate activities, such as
23 stealing medical records and break-ins. I told him to drop the PR
24 pitch, because I was there and knew better.

25 10. During this same conversation, Mr. Rathbun stated
26 that I needed to accept my responsibility for certain things. Mr.
27 Rathbun commented that, back when the relationship deteriorated,
28 "Everything was going south on us." I responded that if he would

1 look at the record he would note that I had obtained good results
2 for them. The problem was that I insisted on exercising my
3 professional judgment rather than blindly following their orders.
4 When I would not go along with some of their more questionable
5 activities or tactics, they questioned my loyalty more than the
6 quality of legal services. .:

7 11. Mr. Rathbun also stated that I had to accept my
8 "overts" towards them. I indicated that I knew the whole point of
9 the exercise was to ruin me. Pursuant to "tech," they had to "dead
10 agent" me because I had disagreed with their criminal activities and
11 knew too much about them. Accordingly, it was necessary for them
12 to discredit me as a source of unfavorable information.

13 12. With respect to the Aznaran case, Mr. Rathbun's
14 declaration on this point is simply more fabrication or distortion.
15 I stated to Mr. Rathbun that what they had done to the Aznarans was
16 foul play. While they were telling the Aznarans that they wanted
17 to settle their case, in truth Scientology was poising to file
18 lengthy and complex summary judgment motions at a time when the
19 Aznarans were in propria persona. Scientology not only filed
20 hundreds of pages of moving papers when the Aznarans were in pro
21 per, they would not even stipulate to extensions of time for
22 responsive papers. Scientology was attempting to reap a windfall
23 by default in the courts. As an officer of the courts I was
24 compelled to test the issue of whether I could represent the
25 Aznarans.

26 13. Mr. Rathbun's response was reminiscent of the "Fair
27 Game" policy. He did not deny that they were playing dirty pool.
28 Mr. Rathbun commented that since the Aznarans had sued Scientology,

1 they deserved whatever treatment they received from Scientology.
2 I told Mr. Rathbun that as an officer of the court I felt a duty to
3 see to it that their dirty tricks did not bring about a miscarriage
4 of justice. I informed Reverend Rathbun that he, too, had a duty
5 to see to it that everyone obtained due process, and that this
6 included the Aznarans.

7 14. Mr. Rathbun remarked that I apparently expected him
8 to "go into agreement with the universe." I told him that he did
9 not have to go into agreement with the universe, but that he had to
10 deal with it and should do so within the rules. I told Reverend
11 Rathbun that despite some of his criminal attitudes, he really was
12 basically a good person and that if he ever came to his senses he
13 would no doubt find himself locked up in the desert for it, just
14 like Vicki was. I told him that if such a thing should occur, to
15 make sure he kept my telephone number in a safe place, because he
16 would be welcome in my house as a place of refuge.

17 15. During my conversations with Mr. Rathbun, I mentioned
18 the "RICO" case referred to in Paragraph 2(a) of Mr. Rathbun's
19 declaration. I mentioned to Mr. Rathbun that I had heard that
20 things were not going well for them in that case. I am aware that
21 the court has entered evidentiary sanctions for Scientology's
22 refusal to produce documents and apparent destruction of relevant
23 evidence. It has also come to my attention that Scientology has
24 suffered some serious set-backs recently in that case. These are
25 matters of public record, which are monitored by myself and others.
26 That Scientology would consider it inappropriate for me to know such
27 things only evidences their paranoia.

28 16. I am interested in such developments for several

1 reasons. First, Scientology has recently defamed me again by
2 asserting that I performed incompetently. I believe an examination
3 of events would reveal that the RICO case went well for Scientology
4 when I was working on it. Since my departure from the case,
5 Scientology's position has substantially deteriorated.

6 17. With respect to Mr. Rathbun's comments at Paragraph
7 2(c), this is a false repetition of the old claim that I am somehow
8 responsible for Bent Corydon's litigation. Mr. Corydon is a long-
9 time critic of Scientology and author of L. Ron Hubbard: Messiah or
10 Madman? I applaud Mr. Corydon for standing up to and exposing these
11 idiots. Mr. Rathbun's declaration on this point is simply another
12 fabrication. Further, the comments are somewhat strange in that it
13 is my understanding that Mr. Corydon has recently settled his
14 litigation with Scientology.

15 18. Contrary to the Rathbun declaration, I have not been
16 nor have I made representation that I have been coordinating and
17 agitating former church members to generate adverse publicity. This
18 again evidences their propensity to see conspiracies everywhere.
19 I certainly did not make such a claim to Mr. Rathbun.

20 19. I am not in a position to make most existing
21 adversaries of the church "go away." I did not make that claim to
22 Mr. Rathbun. Mr. Rathbun has apparently distorted our conversation
23 into whatever false statements he feels he needs to make in order
24 to succeed before this court and is acting in conformity with the
25 "Fair Game" policy previously recognized by this court in, as
26 Scientology calls it, the Yanny I litigation, and most recently by
27 the court of appeals in the Armstrong decision, which I will supply
28 a copy of to this court at the time of the hearing of this matter.

1 "Reverend" Rathbun is a Scientologist, perceives me as an enemy, and
2 consequently will lie, cheat, and do anything he needs to, per
3 policy, to destroy the undersigned. I can only explain the contents
4 of his declaration in that fashion. This court has previously dealt
5 with his testimony and should give it as much weight now as it did
6 then.

7 20. With respect to the Aznaran case in federal court,
8 I properly reacted to what I perceived to be a crisis situation
9 created by Scientology and previously documented to this court. I
10 would have preferred not to have become involved. However, it was
11 and is my professional opinion that as an officer of the court it
12 was appropriate for me to have entered an appearance in that case
13 and allow the appropriate "case-by-case" determination to be made
14 in the appropriate court. In the alternative, I was faced with a
15 possible miscarriage of justice occurring without the undersigned
16 even testing the water as to whether there was anything I could do
17 about it. It was and remains the right thing to have done under the
18 rather unusual and perverted circumstances confronting me. The
19 decision to test the issue was not taken lightly. I expected a
20 motion to disqualify me; however, I also expected an opportunity to
21 present my defenses to such a motion which, although unusual, are
22 substantial. Among other things, there has been a substantial
23 waiver of privilege by Scientology's attacks on and defamation of
24 the undersigned. The Aznaran case is not substantially related to
25 my previous work for Scientology. Unfortunately, Judge Ideman acted
26 without hearing any arguments or proof on the issues of waiver and
27 substantial relationship.

28 21. In many respects this is a tempest in a teapot. In

1 addition to being seen with Gerald Armstrong, I filed an appearance
2 in the Aznaran case. I sought an extension of time in which to
3 respond to summary judgment motions first from opposing counsel and
4 then from the court. I suggested to Mr. Quinn that they continue
5 the summary judgment hearings until such time as the Aznarans'
6 representation could be straightened out. Scientology declined that
7 most reasonable suggestion. Accordingly, I filed motions to obtain
8 extensions of time. Ultimately, the court revoked the substitution
9 of attorney and reinstated Ford Greene as counsel of record.
10 Presumably, Mr. Greene is responding to pending motions.

11 22. My appearance in the Aznaran case was so transitory
12 that I was personally never in possession of the file. Under the
13 circumstances, I never had an opportunity to do any work on the
14 merits of the case. No discovery or trial preparation was done
15 during my brief tenure as counsel of record.

16 I declare under penalty of perjury under the laws of the
17 State of California and the United States that the foregoing is true
18 and correct.

19 Executed on July 31, 1991, at Los Angeles, California.

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22 JOSEPH A. YANNY
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